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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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7 ALLSTATE INSURANCE COMPANY, et
8 al.,,

9 Plaintiff,

10 vs.

11 PETER MARIO BALLE, D.C., et al.,

12 Defendants.

2:10-cv-02205-APG-NJK

ORDER

Plaintiff's Motion to Strike (#227)

13 This matter is before the Court on Plaintiff's Motion to Strike Defendant Accident Injury
14 Medical Center, Inc.'s Errata to Request for Production of Documents and Request for
15 Admissions to Plaintiffs (#227).

16 **MEET AND CONFER**

17 Local Rule 26-7(b) provides that "[d]iscovery motions will not be considered unless a
18 statement of the movant is attached thereto certifying that, after personal consultation and
19 sincere effort to do so, the parties have not been able to resolve the matter without Court action."
20 LR 26-7. Personal consultation means the movant must "personally engage in two-way
21 communication with the nonresponding party to meaningfully discuss each contested discovery
22 dispute in a genuine effort to avoid judicial intervention." *ShuffleMaster, Inc. V. Progressive*
23 *Games, Inc.*, 170 F.R.D. 166, 171 (D. Nev. 1996). The consultation obligation "promote[s] a
24 frank exchange between counsel to resolve issues by agreement or to at least narrow and focus
25 matters in controversy before judicial resolution is sought." *Nevada Power v. Monsanto*, 151
26 F.R.D. 118, 120 (D.Nev.1993). To meet this obligation, parties must "treat the informal
27 negotiation process as a substitute for, and not simply a formal prerequisite to, judicial review of
28 discovery disputes." *Id.* This is done when the parties "present to each other the merits of their

Here, the Plaintiff's statement regarding the meet and confer efforts is not sufficient. The Plaintiff's counsel merely indicates that he called the Defendant's counsel and was unable to come to an agreement. Docket No. 227-3 at 2. A proper meet and confer requires meaningful discussions for each contested discovery dispute and the parties must present to each other the merits of their respective positions with clear specificity and support. The Plaintiff has failed to indicate that such a discussion took place. Therefore, the Court cannot determine whether the phone conversation was meaningful and whether it met the meet and confer requirements of Local Rule 26-7(b). Accordingly, Court intervention in this matter is not appropriate at this time.

Based on the foregoing, and good cause appearing therefore,

IT IS HEREBY ORDERED that Plaintiff's Motion to Strike Defendant Accident Injury Medical Center, Inc.'s Errata to Request for Production of Documents and Request for Admissions to Plaintiffs (#227) is **DENIED without prejudice**.

NANCY J. KOPPE
United States Magistrate Judge